

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: BJL EXPRESS, LLC
DEBTOR

CASE NO. 23-54963-sms

CHAPTER 7

ANTORIA ANDREWS;

MOVANT,

v.

HEARING DATE: AUGUST 26, 2025

BJL EXPRESS LLC,
S. GREGORY HAYS, TRUSTEE;

RESPONDENTS.

MOTION TO LIFT AUTOMATIC STAY

PURSUANT TO LOCAL BANKRUPTCY RULE BLR 7007-1(C), A RESPONSE IS REQUIRED TO THIS MOTION. FAILURE TO FILE A RESPONSE INDICATES NO OPPOSITION TO THE MOTION.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 75 TED TURNER DRIVE, S.W., ATLANTA, GEORGIA 30303 BEFORE THE CLOSE OF BUSINESS ON MAY 21, 2025, WHICH IS AT LEAST FOURTEEN (14) DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANTS CAN BE “ADEQUATELY PROTECTED” IF THE STAY IS TO BE CONTINUED.

COME NOW, Antoria Andrews, Movant, and move the Court to lift the stay placed on the bankruptcy of BJL EXPRESS, LLC (hereinafter “Debtor”) to the extent of commercial liability insurance coverage pursuant to 11 U.S.C. § 362(d), and in support of said motion would respectfully show the Court as follows:

1.

On July 12, 2024, Movant filed a civil action for personal injury against Debtor, Momodou Jallow and Debtor's insurance company, Indemnity Insurance Company of North America in the State Court of Clayton County, Georgia. (CAN: 2024CV03864)

2.

Debtor filed for bankruptcy on May 29, 2023, which was converted to a Chapter 7 on January 29, 2024. Debtor did not list the pending lawsuit filed by the Movant as a debt of the bankruptcy estate.

3.

Debtor maintains a commercial insurance policy in the amount of \$1,000,000 with Indemnity Insurance Company, policy number MMTH25549090, which provides coverage to BJL Express for any damages, including bodily injury that were caused through the negligent operation of the commercial motor vehicle that co-defendant Jallow was operating at the time of the subject collision on May 11, 2023. (See insurance policy declarations page attached as Exhibit A)

4.

Section 524 (e) of the Bankruptcy Code permits a creditor to seek recovery from "any other entity" who may be liable on behalf of the debtor. As such, a Movant may still pursue non-debtors, guarantors, sureties, and insurance companies post-bankruptcy, to the extent that these entities are liable for claims against a debtor. See, Owasaki v Jet Florida Systems, Inc (in re Jet Florida Systems, Inc) 83 F.2d 970 (11th Cir. 1989).

5.

The automatic stay does not bar suit or continuation of a suit by a tort claimant against a debtor for the sole purpose of recovering insurance proceeds. See, e.g., Green v. Welch, 956 F.2d

30,33 (2nd Cir.1992) Houton v. Edgeworth (in re Edgeworth), 993 F.2d 51,54 (5th Cir 1993); Hawxhurst v Pettibone Corporation, 40 F.3d 175 (7th Cir. 1994).

6.

Movant seeks relief from the automatic stay contained in 11 U.S.C § 362(a) for the following purposes:

- A) To continue with the ongoing civil litigation for the purpose of liquidating tort damages;
- B) To collect against any insurers through direct action to the extent insurance exists to satisfy Movant's damages; and
- C) To proceed and collect against any additional defendants.

WHEREFORE, Movant prays for that, upon final hearing of this Motion, the stay be lifted to permit continuation of the Clayton County civil litigation to permit collection of damages to the extent of insurance coverage and to proceed and collect against additional defendants.

Respectfully submitted 25th day of June 2025.

WLG ATLANTA, LLC

/s/ Michael Johnson

MICHAEL A. JOHNSON
GEORGIA STATE BAR NUMBER: 679391

BANK OF AMERICA PLAZA
600 PEACHTREE STREET, NE, SUITE 4010
ATLANTA, GA 30308
TELEPHONE: 470-826-5746

FACSIMILE: 470-826-5746

E-MAIL Michael. Johnson@witheritelaw.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing **Plaintiff's Motion to Lift Automatic Stay** via Statutory Electronic Service via email and/or U.S. mail with sufficient postage to ensure delivery to the following counsel of record:

Debtor:

BJL Express, LLC
c/o Milton D. Jones
12252 Styron Drive
Hampton, Georgia 30228
miltonjonesatty@gmail.com
Counsel for BJL Express, LLC

Chapter 7 Trustee:

S. Gregory Hays, Trustee
Hay Financial Consulting, LLC
2964 Peachtree Road, Suite 555
Atlanta, GA 30305
ghays@haysconsulting.net

US Trustee:

Office of the US Trustee
Richard B. Russell Federal Building
75 Ted Turner Drive, S.W., Suite 362
Atlanta, GA 30303

This 25th day of June, 2025.

WLG ATLANTA, LLC

/s/ Michael Johnson

MICHAEL A. JOHNSON
GEORGIA STATE BAR NUMBER: 679391

BANK OF AMERICA PLAZA
600 PEACHTREE STREET, NE, SUITE 4010
ATLANTA, GA 30308
TELEPHONE: 470-826-5746
FACSIMILE: 470-826-5746
E-MAIL Michael. Johnson@witheritelaw.com

EXHIBIT

‘A’

RANSTAR*

INC,

Friday, October 08, 2021

5450 E. High St. Suite 230
Phoenix, AZ 85054

480-579-2400

ICSA@transtarinsurance.com

Delivered Electronically

Bound Date 10/10/2021
Master Policy Expiration Date 4/1/2022

This policy will only cover the scheduled units above. Temporary replacements will be covered for a maximum of 30 days while the above units are being serviced or repaired but in no case for more than the stated amount of the vehicle that it is temporarily replacing.

Line of Coverage	Issuing Company	\$53,750	\$0	\$1,000,000	Indemnity Ins. Co. of North America (Chubb)
Auto Liability	Included	\$0	\$0	\$25,000 Per Person / \$50,000 Per Occurrence	
Uninsured/Underinsured*	[REDACTED]	\$2,500 (\$1,000 for UIIA)		\$50,000	Indemnity Ins. Co. of North America (Chubb)
Non-Owned Trailer / Trailer Interchange	[REDACTED]	\$2,500		\$250,000	ACE American Insurance Company (Chubb)
Cargo inc Rfr Bkdw	[REDACTED]	\$0		\$25,000 Per occ /	Indemnity Ins. Co. of North America (Chubb)
Auto Physical Damage (APD)	[REDACTED]	\$2,500		\$25,000 Gen Agg ACV	Great American Insurance Company
Total:	[REDACTED]				

Insurer	Estimated Annual Premium	Non Working Deposit	Each Installment	This insurance is written on a master policy that is effective until 4/1/22.
Chubb Total				
Great American Total				Your installments are subject to change at that date due to various factors
First Payment Amount (Inc. Deposit)		\$1,759	\$5,350	including but not limited to underwriting results of the entire program as well as your individual policy
In accordance with your instructions to bind, please accept this as a confirmation of bound insurance		\$347	\$1,054	
		\$2,105	\$6,404	

Annual Premium Applicable Deductible Limits

Your premium includes \$0 for Terrorism Coverage, pursuant to the Terrorism Risk Insurance Act ("TRIA"). If you wish to remove this, please contact Transtar to speak to one of our licensed agents.

The policy is written on a monthly cut-off basis. This means that if a vehicle is covered on the last day of the month, it will incur a months worth of premium. If a vehicles is not on the schedule on the last day of the month, it will incur \$0 in premium. This is important for ending coverage - please contact us with any questions. Exceptions will be same month binding / cancellations. In this case; prorata premium will apply.

Should you require any changes please notify customersvc@mohaveinsco.com; and icSA@transtarinsurance.com. If any premium bearing changes have to be reversed, a \$100 non-refundable service fee will be charged to cover payment processing fees

Need a certificate of insurance? icSA@transtarinsurance.com or (480) 579-2500

This Coverage is made available only to qualified members of the Independent Safety Carrier Association. In order to maintain coverage, you must remain a member in good standing and comply with all membership requirements including but not limited to approved On-Board Front Facing Event Recorders; Hair Follicle Drug Testing and qualified driver monitoring

POLICYHOLDER DISCLOSURE

NOTICE OF TERRORISM INSURANCE COVERAGE

Coverage for acts of terrorism is included in your policy. You are hereby notified that under the Terrorism Risk Insurance Act, as amended in 2015, the definition of act of terrorism has changed. As defined in Section 102(1) of the Act: The term "act of terrorism" means any act or acts that are certified by the Secretary of the

Treasury--in consultation with the Secretary of Homeland Security, and the Attorney General of the United States--to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion. Under your coverage, any losses resulting from certified acts of terrorism may be partially reimbursed by the United States Government under a formula established by the Terrorism Risk Insurance Act, as amended. However, your policy may contain other exclusions which might affect your coverage, such as an exclusion for nuclear events. Under the formula, the United States Government generally reimburses 85% through 2015; 84% beginning on January 1, 2016; 83% beginning on January 1, 2017; 82% beginning on January 1, 2018; 81% beginning on January 1, 2019 and 80% beginning on January 1, 2020, of covered terrorism losses exceeding the statutorily established deductible paid by the insurance company providing the coverage. The Terrorism Risk Insurance Act, as amended, contains a \$100 billion cap that limits U.S. Government reimbursement as well as insurers' liability for losses resulting from certified acts of terrorism when the amount of such losses exceeds \$100 billion in any one calendar year. If the aggregate insured losses for all insurers exceed \$100 billion, your coverage may be reduced.

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remium that is attributable to coverage for acts of terrorism is \$_____, and does not include any charges for the portion of losses covered by the United States government under the Act.

I ACKNOWLEDGE THAT I HAVE BEEN NOTIFIED THAT UNDER THE TERRORISM RISK INSURANCE ACT, AS AMENDED, ANY LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM UNDER MY POLICY COVERAGE

10/8/2021 Independent Carrier Safety Association Binder Page 1 of 2

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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DEBTOR

CASE NO. 23-54963-sms

CHAPTER 7

ANTORIA ANDREWS;

MOVANT,

v.

HEARING DATE: AUGUST 26, 2025

BJL EXPRESS LLC,
S. GREGORY HAYS, TRUSTEE;

RESPONDENTS.

NOTICE OF HEARING

PLEASE TAKE NOTICE that Antoria Andrews has filed **Motion to Lift Automatic Stay** (*the “Motion” or “Application” or “Objection”, as appropriate*) and related papers with the Court seeking an order to **Lift the Automatic Stay**.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the **Motion to Lift Automatic Stay at 10:00am EST on August 26, 2025**, in Courtroom **1201**, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303, which may be attended in person or via the Court’s Virtual Hearing Room. You may join the Virtual Hearing Room through the “Dial-In and Virtual Bankruptcy Hearing Information” link at the top of the homepage of the Court’s website, www.ganb.uscourts.gov, or the link on the judge’s webpage, which can also be found on the Court’s website. Please also review the “Hearing Information” tab on the judge’s webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge’s webpage.

Your rights may be affected by the Court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleadings with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk

before the hearing. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, SW, Atlanta Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the Motion cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the Motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Respectfully submitted 25th day of June 2025.

WLG ATLANTA, LLC

/s/ Michael Johnson

MICHAEL A. JOHNSON

GEORGIA STATE BAR NUMBER: 679391

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E-MAIL Michael. Johnson@witheritlaw.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing **Notice of Hearing** using the Bankruptcy Court's Electronic Case filing program and via email and/or U.S. mail with sufficient postage to ensure delivery to the following counsel of record:

Debtor:
BJL Express, LLC
c/o Milton D. Jones
12252 Styron Drive
Hampton, Georgia 30228
miltonjonesatty@gmail.com
Counsel for BJL Express, LLC

Chapter 7 Trustee:
S. Gregory Hays, Trustee
Hay Financial Consulting, LLC
2964 Peachtree Road, Suite 555
Atlanta, GA 30305
ghays@haysconsulting.net

US Trustee:
Office of the US Trustee
Richard B. Russell Federal Building
75 Ted Turner Drive, S.W., Suite 362
Atlanta, GA 30303

This 25th day of June, 2025.

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